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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,009	07/23/2001	Jeffrey D. Minelli	702.93	3680

7590

11/04/2002

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EXAMINER
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THOMPSON, GREGORY D

ART UNIT	PAPER NUMBER
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2835

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DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/911,009

Applicant(s)  
Minelli

Examiner  
Gregory Thompson

Art Unit  
2835



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 23, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 15-29, 31, 32, 34-42, and 44-50 is/are rejected.
- 7) ☒ Claim(s) 10, 13, 14, 30, 33, and 43 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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1. Claim 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 41 no antecedent for "said first and second pieces". Also, claim 41 should depend on claim 39 with "pieces" changed to "sections".

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 6-9, 12, 15, 21-22, 24, 26-29, 32, 39-40, 42, 44-45, 50 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Getter.

Column 4, lines 41-44 teach sealing to prevent water entry. The housing is 12, electronics board 52 and power switches 54, heat sink being 24 and 50 and the door being 14 covering the opening in housing 12 in a sealed manner (broad term) as taught by column 14, lines 41-44. The face plate (broad term) would be composed of the part of housing 20 that has switch 90 mounted thereto.

Regarding claim 15, the top piece would be 14 (door) and bottom piece would be frame 12 sealed as discussed in column 4, lines 41-44.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 11, 16-20, 23, 25, 31, 34-38, 41 and 46-49 are rejected under 35 U.S.C.

103(a) as being unpatentable over Getter.

Regarding claims 3, 23 considered obvious door 14 would be hinged on end by known means to housing 12 for ease in opening.

Regarding claims 5, 17-19, 25, 35-36, 38, 46-49 considered obvious the electronic device of Getter could be any device such as power amplifier, receiver, communications device, music player or the like that requires protection against water. No specific structure or electrical properties claimed for the above devices. Also, features not claimed as required in 37 CFR 1.83(a).

Regarding claims 11, 31 considered obvious to use the known screw and clip to fasten the sink 24 or 50 to the housing 12.

Regarding claims 16, 34, 41 considered obvious to use a known gasket between top piece (door) 14 and bottom piece 12 to prevent entry of water.

Regarding claims 20, 37 considered obvious housing 12 could be constructed of thermally conductive plastic for light weight.

4. Claims 1-2, 4, 7-9, 15, 21-22, 24, 27-29, 39-40, 42, 44-45 are rejected under 35 U.S.C.

102(e) as being clearly anticipated by Oyamada et al.

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Refer to Figs. 1-2. The sealed housing is 20, electronics 17, sink 22, and door or cover is 25. Sink 22 is in thermal contact with 17 by the air therebetween.

Regarding claim 15, the top and bottom would be now 25 and 21.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5-6, 11, 15-20, 23, 25-26, 31, 34-38, 41, 46-50 are rejected under 35 U.S.C.

103(a) as being unpatentable over Oyamada et al.

Regarding claims 3, 14, 23 considered obvious that door 25 could be hinged by known means to housing 20 in a known sealed manner.

Regarding claims 5-6, 17-19, 25-26, 35-36, 38, 46-50, considered obvious that 17 could be any type device requiring sealing. No specific structure or electrical properties claimed. Also, features not claimed as required in 37 CFR 1.83(a).

Regarding claims 11, 9, 31, considered obvious to use a known clip and screw to attach sink 22 to housing 20.

Regarding claim 16, 36, 41, considered obvious to use the known gasket between 25 and 21 to prevent water entry.

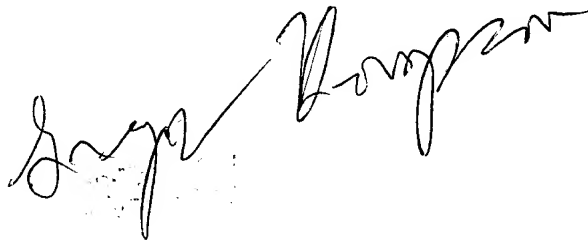
Regarding claims 20, 37, considered obvious to construct the housing out of light weight plastic to prevent rust.

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6. Claims 10, 13-14, 30, 33, 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dronsuth et al disclose sink protuberance and Johnson, Sr. disclose split housing parts.
8. Any inquiry concerning this communication should be directed to Greg Thompson at telephone number (703) 308-2249.

**G. Thompson/mm**

10/29/02

A handwritten signature in black ink, appearing to read "Greg Thompson", is written over a faint, circular official stamp.